

DESOTO COUNTY BOARD OF SUPERVISORS
BOARD MEETING MINUTES

JOHN M. M. CALDWELL, PRESIDENT, PRESIDING

July 9, 1997

A. CALL TO ORDER

The July 9, 1997, meeting of the DeSoto County Board of Supervisors was called to order by John M. M. Caldwell, Sr., Board President.

Phil Cottam, Assistant Chief of the DeSoto County Sheriff's office was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

- Jessie Medlin-----District 1
- Eugene C. Thach-----District 2
- James D. Pearson-----District 3
- John Caldwell-----District 4
- Tommy Lewis-----District 5
- W. E. "Sluggo" Davis-----Chancery Clerk
- Phil Cottam-----Asst. Chief, Sheriff's Dept.
- Clovis Reed-----County Administrator
- William H. Austin, Jr.-----Board Attorney

B. INVOCATION

The invocation was presented by Supervisor John Caldwell.

C. BOBBY CHAMBERLAIN - LITIGATION (EXECUTIVE SESSION)

In accordance with Section 25-41-7, Mississippi Code of 1972, Supervisor Eugene Thach requested, by motion, a closed determination of the issue of whether or not to declare an Executive Session. The meeting was then closed. Following discussion, the DeSoto County Board of Supervisors determined that an Executive Session was required for the following item:

1. Litigation - Sheriff's Department

Supervisor Tommy Lewis made the motion to go into Executive Session to discuss these items. Supervisor Jessie Medlin seconded the motion. The **motion passed** by a unanimous vote:

The Board did advise the public that the Board of Supervisors would be in Executive Session for the above stated reasons.

Item C., Continued,

Regarding Item Number 1: Attorney Bobby Chamberlain met with the Board of Supervisors to explain the need for representation by the Board at an upcoming pretrial conference in a litigation matter involving the Sheriff's Department. Mr. Chamberlain explained it is mandatory that a Board member or someone authorized to represent the Board of Supervisors be present at the meeting and said the insurance adjuster could be that person. No motions were made concerning this portion of the meeting.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to come out of executive session. The **motion passed** by a unanimous vote.

D. PLANNING COMMISSION

The DeSoto County Planning Commission brought several items before the Board of Supervisors as is evidenced by the portion of the meeting submitted by the Planning Commission. **See Exhibit D.**

E. BILLY MYERS - PETITION TO ESTABLISH QUALIFIED RESORT AREA

Attorney Billy Myers appeared before the Board of Supervisors representing John and Linda Bradley, who have applied to the State Tax Commission to have the land on which their business is located qualified as a resort area. Also present in this cause were the property owner, Floyd Robertson and Tim Downs, the adjacent property owner. Mr. Myers said he was asking for the support of the Board of Supervisors for this application as the statute requires the support of the local governing authority. The property involved in this request is located on the southwest corner of Blythe Road and Starlanding Road. Studies have shown that the nearby intersection of Highway 61 and Starlanding Road has a daily traffic count of 28,000 which has led them to believe this area is ideal for their business. The Bradley's currently operate a restaurant on this property named "Backtracks" at which they serve food and beer until midnight, but no liquor, with no plans to serve liquor in the future. Mr. Myers said according to the Sheriff's office there has never been any type of disturbance call to this place of business. Mr. Myers said that this property has a great historical value, adding to its marketability. Mr. Myers said that without the recommendation of this Board, it is unlikely this will pass the State Tax Committee.

John Bradley said he had been in the restaurant business all his life and has owned this business for two years. Mr. Bradley said he needs the Board's support to realize this opportunity for expansion.

Linda Bradley addressed the Board of Supervisors to say their family moved to Lake Cormorant in DeSoto County two years ago and they like doing business here and hope to continue.

Supervisor Eugene Thach asked why the Bradley's want to have this business qualified as a resort area. Billy Myers said this change will allow them to serve alcohol after midnight, thus making them competitive with Memphis and the casinos as a source of entertainment. Mr. Bradley plans to bring in bands and entertainment to advance their business. Mr. Myers pointed out that this business' success could eventually aid the County in getting an Amtrack stop there. Supervisor Thach said his only problem with this request is reservations about the fact that there has been no hearing on the matter and other neighbors have not had the chance to object to the change, as has been the practice in the past. The Board Attorney, Bill Austin, said the other requests were asking for a

Item E., Continued,

conditional use and the hearings have been through the Board of Adjustments. Supervisor Thach said he would like to hear from the people from the area and asked Mr. Bradley if waiting for this will hurt his business. Mr. Bradley said this will affect their business, and said that most people come to their business in the evening and their business was built to capitalize on that market. However, they have waited almost two years before coming with this request to prove themselves in the market. Mr. Bradley feels that historical value and music will help their business grow, and such growth is economically necessary to maintain their business. Supervisor Caldwell said the Board of Supervisors cannot make this decision based on private enterprise and asked if two more weeks will matter. Mr. Bradley said they will make it.

Supervisor John Caldwell asked how much land is involved in this business. Mr. Floyd Robertson estimated 1 ½ to 2 acres. Supervisor Caldwell said he agrees it is better to know about these type requests before the meeting, to allow time to look into the details of the matter.

Mr. Floyd Robertson said that Mr. Myers was not representing him, but he requested an opportunity to summarize the problem. Mr. Robertson said that since Tunica County voted in the gambling issue, the western part of the County has been living in chaos. The property values are going down instead of up according to Mr. Robertson and he feels that since many of the people moving into DeSoto County have not registered their cars, our tax base may not have increased accordingly. Mr. Robertson said this is the most important issue here today. Supervisor John Caldwell said the east part of the County is just as important as the west and he wonders what justification he can give to those people if he approves his request.

Supervisor James Pearson said when he moved to Lake Cormorant, there were four stores. Now they do not have any stores. Supervisor Pearson said instead, we are building and maintaining the roads and not getting anything from the traffic. Supervisor Pearson urged the other supervisors to go and observe the area and this business. Mr. Pearson said it is a nice place and suggested they talk to people that live in the area as they will agree.

Linda Bradley reminded the Board of Supervisors they have submitted a petition with signatures of supporters of this effort. Supervisor Tommy Lewis asked if the area land owners are on the petition. Ms. Bradley said that many are on the petition. John Bradley said that some nearby landowners that do not drink beer have signed the petition in support of their business.

Tim Downs, the owner of the nearby body shop and closest neighbor to Backtracks told the Board of Supervisors he has no problem with the change.

Supervisor James Pearson made the motion and Supervisor Eugene Thach seconded the motion to continue this item of business until July 21, 1997, to allow the Board members to get their questions answered regarding this request. The **motion passed** by a unanimous vote.

County Administrator Clovis Reed told Billy Myers and the other parties involved to come back to the Board of Supervisors meeting on July 21 at 10:00. Billy Myers asked the Board members to call him or if they would rather, he will call them between now and the 21st to answer any questions about this matter, and asked if there was anything else they needed. Supervisor Thach said it would be good to have an article in the paper so we can hear from the people.

Item E., Continued,

The County Administrator pointed out that once this is designated as a qualified resort area, it will stay a qualified resort area forever, no matter who the owners are. Merritt Powell of the Planning Commission agreed. **See Exhibit E.**

F. OLD BUSINESS

1. Appointments

This item was held over. **See Exhibit F.1.**

2. Bids Under Advisement

a. Pews for Justice Court

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to accept the low bid for pews for the Justice Court Building in connection with Bid File #97-166-001. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----Yes
Supervisor Eugene Thach-----Yes
Supervisor James Pearson-----Absent
Supervisor John Caldwell-----Yes
Supervisor Tommy Lewis-----Yes

See Exhibit F.2.a.

b. Sale of Justice Court Building., Rasco Road

This item was held over. **See Exhibit F.2.b.**

3. Report From Committee on Petition For Public Road

This item was held over. **See Exhibit F.3.**

4. Dale Thompson - Monthly Bills Under Advisement

The Comptroller, Dale Thompson, came before the Board of Supervisors to discuss the items held from payment on the claims docket at the July 7, 1997, meeting. The following items were discussed:

1. The invoice from Allen Couch for work in Justice Court - The Comptroller said the County has paid these bills in the past. Clovis Reed agreed. Supervisor John Caldwell said the Board should get a report listing the case load of the public defenders. The County Administrator agreed to get that information.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to pay the bill from Allen Couch in the amount approved by the Justice Court Judge and as recommended by the Comptroller. The **motion passed** by a vote as follows:

Item F.4, Continued,

Supervisor Jessie Medlin-----Yes
Supervisor Eugene Thach-----Yes
Supervisor James Pearson-----Absent
Supervisor John Caldwell-----Yes
Supervisor Tommy Lewis-----Absent

2. Bill for Civil Defense for Firestone - The Comptroller said these are the same as the state contract prices. Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve payment to Firestone for the Civil Defense Department as indicated on the claims docket presented at the July 7, 1997, meeting. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----Yes
Supervisor Eugene Thach-----Yes
Supervisor James Pearson-----Absent
Supervisor John Caldwell-----Yes
Supervisor Tommy Lewis-----Absent

3. Fire Coordinators bill for screen printing - The Comptroller said these charges are for shirts for the dispatchers and the Fire Coordinators. The Comptroller asked if other offices could request these shirts. The Board discussed that would not be appropriate. Supervisor John Caldwell pointed out that the fire service is a public agency, but said the Board of Supervisors should limit the number. DeSoto County EMS Director Bobby Storey said this is the first time they have purchased these shirts and did so to look more professional to the public. Supervisor Eugene Thach asked how many they need. Bobby Storey said three shirts were needed from this budget.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to pay the bill and limit the shirts to three per year. County Administrator Clovis Reed clarified that this is three shirts total, as additional shirts cannot be purchased from another budget. Bobby Storey said in that case they will need five shirts per year. Supervisor Thach amended his motion to limit the shirts to five per year per person. Supervisor Medlin amended the second. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----Yes
Supervisor Eugene Thach-----Yes
Supervisor James Pearson-----Absent
Supervisor John Caldwell-----Yes
Supervisor Tommy Lewis-----Yes

The Board discussed other departments that wear different shirts, some quite expensive.

4. Recorder for Data Processing - The Comptroller said Marsha Baughn needs the recorder for school and meetings. Supervisor Eugene Thach said there should be one recorder in the County Administrator's office that can be checked out by offices in the Courthouse when necessary.

Item F.4, Continued,

Supervisor Eugene Thach made the motion to pay the bill for the recorder from the Data Processing budget, but to inventory the recorder to the County Administrator's office. Supervisor Jessie Medlin seconded the motion. The **motion passed** by a unanimous vote.

5. Civil Defense bill for meals and lodging for Tim Curtis - Clovis Reed said Tim Curtis is a volunteer. Supervisor John Caldwell suggested continuing to hold this item over. Supervisor Jessie Medlin made the motion and Supervisor James Pearson seconded the motion to pay the bill for meals and lodging for Tim Curtis from the Civil Defense Budget as presented on the claims docket on July 7, 1997. The **motion passed** by a unanimous vote.
6. The County Administrator, Clovis Reed, presented an invoice from Johnson, Bailey, Henderson & McNeel for work on the Civic Center in the amount of \$194,410.00. The Comptroller, Dale Thompson, asked if the Board of Supervisors will approve all expenditures, or if another procedure would be adopted for these payments. This item was held over.
7. Clovis Reed pointed out that quarterly allocations should be approved by the Board of Supervisors for the third quarter of 1997. Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to pay the quarterly allocations as recommended by the County Administrator. The **motion passed** by a unanimous vote.

5. Miller Precinct - Build Voting Center

This item was held over.

G. EXECUTIVE SESSION

The executive session portions of these minutes are recorded under the portion of the minutes called "Executive Session".

H. OTHER ISSUES

1. County Administrator Clovis Reed

Supervisor Eugene Thach made the motion and Supervisor Tommy Lewis seconded the motion to authorize the County Administrator to advertise for the position of Buildings and Grounds Supervisor and a law library clerk. The **motion passed** by a unanimous vote.

2. DeSoto County EMS Director Bobby Storey

The DeSoto County EMS Director, Bobby Storey notified the Board of Supervisors the new ambulance is scheduled to be delivered today at 2:00.

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to recess until Monday, July 21, 1997, at 9:00. The **motion passed** by a unanimous vote.

Supervisor Eugene Thach made the motion and Supervisor James Pearson seconded the

motion to recess until July 21, 1997. The **motion passed** by a vote as follows:

Supervisor Jessie Medlin-----Absent
Supervisor Eugene Thach-----Yes
Supervisor James Pearson-----Yes
Supervisor John Caldwell-----Yes
Supervisor Tommy Lewis-----Absent

THIS the 9th day of July, 1997, these minutes have been read and approved by the DeSoto County Board of Supervisors.

JOHN M. M. CALDWELL, President
DeSoto County Board of Supervisors